

Congress of the United States
House of Representatives
Washington, DC 20515-2107

March 2, 2011

The Honorable Greg Jaczko
Chairman
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Dear Chairman Jaczko:

I write seeking information about a troubling security violation at the Pilgrim Nuclear Power Station in Plymouth, Massachusetts.

Your staff has informed my office that [REDACTED]

[REDACTED]

The Nuclear Regulatory Commission (NRC) then conducted a Special Inspection of Pilgrim, which is operated by Entergy Nuclear Operations, Inc. Following the investigation, which ran from October 18 through November 10, 2010, NRC found that security at Pilgrim was deficient. The NRC's inspection report states that "The deficiency was promptly corrected or compensated for, and the plant was in compliance with applicable physical protection and security requirements within the scope of this inspection before the team arrived onsite¹," and NRC staff reports that [REDACTED]

This appears to be the 12th security-related report about Pilgrim since NRC began making the cover letters for these reports publicly available in May 2006². For this particular violation, NRC made a preliminary finding of at least "low to moderate" security significance;³ however, had this deficiency been exploited by terrorists, the potential consequences could have been neither low nor moderate. Following the preliminary finding, NRC staff say that the NRC has

¹The cover letter to the NRC report on the "PRELIMINARY GREATER THAN GREEN FINDING", dated December 20, 2010, is available in the NRC's document system, ADAMS: <http://www.nrc.gov/reading-rm/adams.html>. The accession number is ML103540332.

²Cover letters to all NRC security-related reports are available at: http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/listofrpts_body_security.html

³http://adamswebsearch.nrc.gov/idmws/DocContent.dll?library=PU_ADAMS^pbntad01&LogonID=bafe7e461a37db3db43209bad691e7e3&id=103630102

determined that there was, indeed, a violation, but NRC has not yet announced the consequences of this violation.

The danger of a terrorist attack on nuclear power plants was made very clear by the February 24, 2011 arrest of a man in Texas who was allegedly planning to blow up nuclear plants using explosive chemicals he purchased online. I want assurances that NRC will ensure that the problems which led to the security lapse at Pilgrim do not occur again, at Pilgrim or at other plants. I therefore ask for your prompt assistance in responding to the following questions:

1. What will be the consequences for Entergy of this most recent violation at Pilgrim? Please send me Entergy's responses to the NRC about the security incident.
2. This is evidently the 12th security-related violation at Pilgrim since 2006. Does NRC assess higher penalties for repeated security-related violations? If so, please elaborate, and if not, why not?
3. I have been informed that Entergy has taken steps to remedy the identified weaknesses in its processes. Given that, why can't all details regarding this incident be immediately made public? Don't you agree that if the terrorist threat has been removed, as the NRC inspection report states, there should be no barrier to public disclosure of the incident? If not, why not, especially in light of your statements that "Increasing the amount of security-related inspection and licensee performance information available to the public without jeopardizing security or revealing actual or potential vulnerabilities is a critical goal⁴" and your previous Commission votes in favor of increased transparency associated with security-related matters⁵?
4. Has NRC identified similar violations at Pilgrim or at other nuclear power plants? If so, please provide details for each incident, including for each violation, the name/licensee of the power plant, dates, details of the violation, and consequences for the licensee.
5. Is NRC going to investigate security conditions at other nuclear power plants to find out if the same vulnerabilities exist elsewhere? If not, why not?
6. Has NRC sent or does it plan to send a security advisory to other licensees to advise them of the lapse at Pilgrim and required or suggested measures they could take to avoid the same problems? If not, why not?
7. Why did NRC determine that such a serious violation involving [REDACTED] [REDACTED] rated as only of at least "low to moderate" security significance? [REDACTED] for use in an attack, wouldn't the potential consequences have been greater than "low to moderate?" Please fully justify this seemingly absurd finding.

Thank you for your attention to this important matter. Please provide your response no later than March 23. If you have any questions, please have your staff contact Dr. Ilya Fischhoff or Dr. Michal Freedhoff of my staff at 202-225-2836.

Sincerely,


Edward J. Markey

⁴ <http://www.nrc.gov/reading-rm/doc-collections/commission/cvr/2008/2008-0185vtr.pdf>

⁵ <http://www.nrc.gov/reading-rm/doc-collections/commission/secys/2008/secy2008-0185/2008-0185scy.pdf>